vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1563 OF 1986

N.H. Somaiy & Ors. ... Plaintiffs

V/s.

Bank of India & Ors. ... Defendants

Ms.Rekha Tawade i/b M.V. Kini & Co.for Plaintiffs
None for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 19, 2006**

P.C.:

. The Plaintiffs have filed the suit to recover an amount of Rs.1,50,000/- alongwith interest thereon against Defendant Nos.10 and 11, besides other reliefs against the other defendants. The suit has already been withdrawn against defendant Nos.1 to 9 and arbitration proceedings have been initiated in respect of the transactions between the Plaintiffs and Defendant Nos.1 to 9. The Plaintiff claims that Defendant Nos.10 and 11 have been advanced an amount of Rs.150,000/- by the Plaintiff. They had agreed to repay this amount to Plaintiff No.1 after the shipment of a consignment of goods was effected. The Plaintiffs have pleaded that Defendant Nos.10 and 11 have failed to make this payment and, therefore, are seeking the decree.

2. No written statement has been filed on behalf of Defendant Nos.10 and 11. There is no dispute that

Defendant Nos.10 and 11 have been served. The Plaintiffs have filed compilation of documents and an affidavit of the plaintiff No.3 in lieu of examination in chief. The Plaintiffs have substantiated the case made out in the plaint against Defendant Nos.10 and 11. Therefore, the plaintiffs are entitled to a decree in the following terms:

> Defendant Nos.10 and 11 are ordered and decreed to pay to the Plaintiff a sum of Rs.150,000/- alongwith interest @ 9% per annum from the date of the Suit till realisation.